

THE MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT

The Magnuson Fishery Conservation and Management Act, Public Law 94-265 as amended (Magnuson Act), provides for the conservation and management of all fishery resources within the U.S. Exclusive Economic Zone (EEZ). It also provides for fishery management authority over continental shelf resources and anadromous species beyond the EEZ, except when they are found within a foreign nation's territorial sea or fishery conservation zone (or equivalent), to the extent that such sea or zone is recognized by the United States.

The EEZ extends from the seaward boundary of each of the coastal States (generally 3 nautical miles from shore for all but two States) to 200 nautical miles from shore. The seaward boundaries of Texas, Puerto Rico, and the Gulf coast of Florida are 3 marine leagues (9 nautical miles).

GOVERNING INTERNATIONAL FISHERY AGREEMENTS

Under the Magnuson Act, the Secretary of State, in cooperation with the Secretary of Commerce negotiates Governing International Fishery Agreements (GIFAs) with foreign nations wishing to fish within the EEZ. After a GIFA is signed, it is transmitted by the President to the Congress for ratification.

FOREIGN FISHING PERMITS

Title II of the Magnuson Act governs foreign fishing in the exclusive economic zone. The process applied to foreign fishing has been described in prior issues of this publication. As U.S. fishing capacity grew, foreign participation in directed fisheries, as well as in foreign joint ventures in which U.S. vessels delivered U.S. harvested fish to permitted foreign vessels, in the EEZ diminished until, in 1991, foreign vessels no longer were permitted to conduct any harvesting or processing operations in the EEZ. This marked the achievement of one of the objectives of the Magnuson Act, that is, the development of the U.S. industry to take, what were in 1976, the underutilized species and the displacement of the foreign fishing effort in the EEZ in 1991.

As a result of the above, there has been no total allowable level of foreign fishing since 1991, although

35,000 mt of Atlantic mackerel and 40,000 mt of Atlantic herring were available for joint venture fishing in 1995. However, no joint venture permits were issued in 1995 because no foreign nations elected to participate in joint venture fishing in 1995. NMFS continues to maintain certain regulations pertaining to foreign fishing, such as the foreign fishing fee schedule, should there be a situation in the future in which allowing limited foreign fishing in an underutilized fishery would be of advantage to the U.S. fishing industry.

FMPs and PMPs

Under the Magnuson Act, eight Regional Fishery Management Councils are charged with preparing Fishery Management Plans (FMPs) for the fisheries needing management within their areas of authority. After the Councils prepare FMPs which cover domestic and foreign fishing efforts, the FMPs are submitted to the Secretary of Commerce (Secretary) for approval and implementation. The Department, through NMFS agents and the U.S. Coast Guard, is responsible for enforcing the law and regulations.

The Secretary of Commerce is empowered to prepare plans in the Atlantic and Gulf of Mexico for highly migratory species. Where no FMP exists, Preliminary Fishery Management Plans (PMPs), which only cover foreign fishing efforts, are prepared by the Secretary for each fishery for which a foreign nation requests a permit. The Secretary is also empowered to produce an FMP for any fishery that a Council has not duly produced. In this latter case, the Secretary's FMP covers domestic and foreign fishing.

As of December 31, 1995, five Preliminary Fishery Management Plans (PMPs) were in effect, many of which have been amended since first being implemented.

Foreign Trawl Fisheries of the Northwest
Atlantic
Hake Fisheries of the Northwest
Atlantic
Bering Sea Herring
Bering Sea Snails
Atlantic herring of the Northwestern
Atlantic

The Atlantic swordfish and Atlantic billfish fisheries are currently being managed by the Secretary under

the

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Magnuson Act and the Western Atlantic bluefin tuna fishery is managed under the Atlantic Tunas Convention Act.

FISHERY MANAGEMENT PLANS (FMPs)

Under section 304 of the Magnuson Act, all Council-prepared FMPs must be reviewed for approval by the Secretary. After FMPs have been approved under section 304 of the Magnuson Act, they are implemented by federal regulations, under section 305 of the Act. As of December 31, 1995 there are 36 fishery management plans in place. The FMPs are listed below. Many FMPs are amended by the Council and submitted for approval under the same Secretarial review process as new FMPs. Most of the FMPs listed have been amended since initial implementation. Those marked with a double asterisk (**) were amended in 1995

High Seas Salmon
Pacific Coast Groundfish
Gulf of Alaska Groundfish (**)
Bering Sea and Aleutian Islands
Groundfish (**)
Western Pacific Crustaceans
Western Pacific Precious Corals
Western Pacific Bottomfish and Seamount
Groundfish
Western Pacific Pelagics

During 1995, 623 regulatory actions were processed via the Federal Register to implement FMP fishery management actions and rules for domestic fishing. This number includes hearings, meetings, and correction notices.

Northeast Multispecies
American Lobster
Atlantic Billfishes
Atlantic Bluefish
South Atlantic Red Drum
Atlantic Mackerel, Squid, and Butterfish
Atlantic Salmon
Atlantic Sea Scallops
Atlantic Sharks
Atlantic Surf Clams and Ocean Quahogs
Summer Flounder (**)
Swordfish
Gulf and South Atlantic Spiny Lobster (**)
Caribbean Reef Fish
Gulf of Mexico Reef Fish (**)
Gulf of Mexico Corals
South Atlantic Corals
Caribbean Coral Reef Resources
Gulf of Mexico Shrimp (**)
Gulf of Mexico Stone Crab
Gulf of Mexico Red Drum
Coastal Migratory Pelagics
Caribbean Spiny Lobster
South Atlantic Snapper/Grouper (**)
South Atlantic Shrimp
Northern Anchovy
King and Tanner Crab
Commercial and Recreational Salmon